



Patent  
Attorney Docket No. 62611.000202

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :

John P. Morseman, et al.

Application No.: 09/882,376

Filed: June 18, 2001

Group Art Unit: 1641

Examiner: Gary W. Counts

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For: HIGH FLUORESCENT INTENSITY CROSS-LINKED ALLOPHYCOCYANIN

RESPONSE TO RESTRICTION REQUIREMENT

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

In response to the Restriction Requirement mailed September 27, 2002, in the above-identified patent application, Applicants hereby elect Group III with traverse. Applicants also request that the time for response be extended for three (3) months. A check in the amount of \$460.00 is enclosed for the requisite fee (small entity). It is believed that no further fees are required. However, the Commissioner is hereby authorized to charge fees (except the Issue Fee) which may be required now or hereafter, or credit any overpayment, to Deposit Account No. 50-0206.

Restriction between Group II and Group III is traversed. Restriction was imposed on the grounds that "Invention II involves measuring energy absorbed by donor compounds whereas invention III involves measuring energy transferred from donor compounds." Applicants point out that the elected invention concerns time resolved fluorescence energy transfer from a donor fluorophore to an allophycocyanin fluorophore prepared in a particular way. The energy transfer between fluorophores is not directly detectable, and therefore is measured indirectly, either by detecting the facilitation of donor absorbance by transfer of energy to the acceptor fluorophore or by measuring fluorescence from the acceptor fluorophore as a result of the energy transfer.

Thus, the present invention provides equivalent enhancement of either detection method, and

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claims 2 and 3 are merely alternative embodiments of the same invention. Therefore, Applicants respectfully request that the restriction requirement be redrawn to require election between Group I (claims 1 and 7-9) or Group II (claims 2-14).

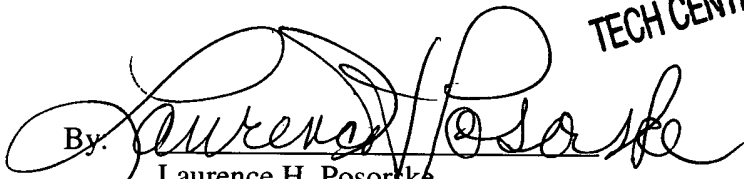
If the Examiner feels that any issues concerning this Restriction Requirement could be resolved by a telephone conference, Applicants respectfully request that the Examiner contact the undersigned representative at (202) 419-2080.

Respectfully submitted,  
HUNTON & WILLIAMS

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Date: March 25, 2003

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